Nova Scotia

Office of the Ombudsman

Business Plan 2003 - 2004

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Message from the Ombudsman

The business plan for the 2003/04 fiscal year is intended to provide the public with an overview of the major priorities and goals for the Office of the Ombudsman.

The goals of the Office of the Ombudsman include continuing to provide an effective complaints resolution /investigation mechanism and increase citizens' awareness of the role and impact of the Office of the Ombudsman.

We will continue to develop the role of the Children's Section in order to provide a proactive complaints resolution mechanism for youth in care of the provincial government. We will review and evaluate our processes to ensure we are providing the best service possible to all Nova Scotians.

Mayann Francis
Ombudsman

A. Mission

To ensure the concerns of all citizens - including youth in the care and custody of the municipal and provincial governments - regarding principles of administrative fairness, good governance and natural justice in the delivery of municipal and provincial public services are addressed through an independent, objective, review mechanism.

B. Planning Context

The Ombudsman is an Officer of the House, and reports to the provincial legislature through the Office of the Speaker. The Office of the Ombudsman investigates complaints arising from the administration of provincial or municipal laws within Nova Scotia. The Office of the Ombudsman may also initiate investigations of administrative activities and practices, referred to as an "Own Motion Investigation."

In 2001/02, the Office of the Ombudsman addressed 805 jurisdictional complaints, 66 of which were formal investigations regarding municipal or provincial governments. In addition, 424 non-jurisdictional inquiries were redirected toward the proper authorities. The Children's Section reviews complaints received from children and youth in the child custody facilities. The Section received 782 contacts from children and youth in protective custody, released 24 monthly reports to the Department of Justice on child custody issues. An important component of the Children's work is the proactive monthly visitation process established for the child custody facilities.

In December 2000, the Director and Chief Executive Officer of the N.S. Human Rights Commission was appointed as Interim Ombudsman to oversee the organizational review of both the Office of the Ombudsman, the Human Rights Commission and other agencies, boards and commissions with similar mandates. As a result of the dual role, less than100 percent of the Interim Ombudsman's time has been dedicated to the Office of the Ombudsman. Although the competition for an Ombudsman was initiated on November 4, 2002, the CEO of the Human Rights Commission continues as the Ombudsman until a permanent incumbent is appointed.

In addition to the Ombudsman's position, the current staff complement consists of the A/Assistant Ombudsman, who has retained her responsibilities of Director of Investigations and has assumed the responsibilities for the Children's Section. There are eight contract employees. The Secretary to the Ombudsman is on deferred leave until August 2003. All staff are based out of a central office located in Halifax. This transitory environment of contract employees continues to create instability for the office. The time-consuming process of recruiting, selecting and training individuals only to have them leave for full-time permanent positions, continues to present a strain on resources and creates

inefficiencies which impact on customer service to the public. In addition, the dual role created by the appointment of the CEO as Ombudsman, continues to cause the public to question this dual appointment and the conflicts this appointment presents. For example, some citizens have chosen not to file complaints with the Ombudsman's Office against the Nova Scotia Human Rights Commission because of this duality. In addition, there is the perception that both Offices have been merged thereby compromising the independence of the Office. It is anticipated that once a permanent Ombudsman is appointed, stability and public perception will be improved. Public education measures will be enhanced to ensure the public is aware of the independent status of the Office of the Ombudsman. Within the 2003/04 year, the office environment will be stabilized by replacing the contract positions with permanent positions.

The Nova Scotia *Ombudsman Act* was implemented in 1970 and has not had any substantial amendments. The Office of the Ombudsman has received challenges to its jurisdiction because of changes in government structure and legislation which impact on the office's scope of authority. Depending upon the outcome of the Court challenges, there may be a recommendation to the government to review the *Ombudsman Act*, in order to clarify and maintain the office's jurisdiction.

C. Strategic Goals

In accomplishing its mission, the Office of the Ombudsman contributes to the Government's priority of fulfilling its role of providing responsible, accountable government.

In order to accomplish its mission, the Office of the Ombudsman has set the following goals for 2003-2004:

1. To maintain citizens' access, including youth in the care and custody of the municipal and provincial governments, to an independent, objective, review mechanism of complaints against government with respect to administrative fairness.

2. To increase citizens' awareness, including youth in the care and custody of the municipal and provincial governments, of their right to access an independent review/complaint mechanism by advising stakeholders, elected officials, and Public Service employees of the role of the Office of the Ombudsman.

3. To maintain and ensure all complaints are investigated objectively and thoroughly, in a confidential and timely manner while ensuring administrative fairness and good governance by a responsible and accountable government.

Although the Office of the Ombudsman is independent of the Provincial Government, its goals for 2003-2004 mirror identified government goals by seeking to:

- provide for responsive, efficient and effective service to the public at a sustainable cost;
- continue to address issues of administrative fairness, good governance and natural justice, to ensure government responsibility and accountability;
- continuously provide staff with the education, skills and knowledge about current practices, policies and procedures; and
- educate the Public Service on the principles of administrative fairness and good governance to ensure a more efficient and professional Public Service.

D. Core Business Areas

- Advise citizens and provide a voice for children and youth in care and custody of municipal and provincial governments of their right to access internal departmental and external complaint mechanisms, and of their right to access the independent, impartial complaint mechanisms of the Office of the Ombudsman.

- Receive and investigate complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, against provincial and municipal government departments, agencies, boards and commissions.

- Recommend and monitor amendments to policies, procedures and legislation which adhere to the principles of administrative fairness for citizens, including youth in the care and custody of municipal and provincial governments. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service, of the principles of administrative fairness and good governance.

E. Priorities

The priorities set out in this business plan were developed based on a budget allocation of $700,000 for the 2003-2004 fiscal year.

Priorities identified by the Office of the Ombudsman for 2003-2004 are:

Complaints Resolution/Investigation

- **Provide a complaint resolution process that ensures all complaints, filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.**

    - review and monitor, on a regular basis, the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations;
    - continue to implement written guidelines to diminish conflict of interest while investigating complaints involving the N.S. Human Rights Commission during the dual appointment of the CEO of the N.S. Human Rights Commission as Ombudsman;
    - develop and implement a communication strategy to introduce the complaints resolution process developed for youth in care of the province.
    - implement delivery of the complaints resolution process developed for youth in care of the province.
    - develop mechanisms to ensure required upgrades are identified for case management systems (CHAOS and YODA) to ensure they continue to be fully utilized;
    - complete and distribute an orientation package to ensure all staff are educated on the Provincial Government's Code of Conduct for employees, with continued emphasis on the importance of practicing confidentiality at all times;
    - request and participate in information sessions offered by various government departments to further enhance staff's knowledge and understanding of the programs and their administration within government.

Information Sharing

- **Continue to undertake a more proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.**

    - continue to provide citizens, including youth in the care and custody of municipal and

provincial governments, with access to the Ombudsman's toll-free inquiry lines;
- conduct speaking engagements, information and training sessions, focus groups, audits and regular site visits for citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service on the role and mandate of the Office of the Ombudsman;
- continue developing and implementing a communication strategy to ensure the public and municipal and provincial employees are knowledgeable about the Office of the Ombudsman;
- maintain the current staffing level and expertise of employees responsible for the administration of the *Ombudsman Act*;
- continuously review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations.

Operational Issues

Provide a service that includes a proactive role while maintaining independence from government to ensure public confidence in our investigations.

- communicate to government officials the opportunity to access through the Office of the Ombudsman presentations and reviews of internal polices and procedures to provide input on administrative fairness and good governance in the delivery of government programs and services;
- continue to implement written guidelines to diminish conflict of interest while investigating complaints involving the N.S. Human Rights Commission during the dual appointment of the Director & CEO of the N.S. Human Rights Commission as Ombudsman;
- implement delivery of the complaints resolution process developed for youth in care of the province.

F. Budget Context

(see attached schedule 1)

G. Outcomes and Measures

(see attached template)

Schedule 1

Office of the Ombudsman Estimated Budget Expenditures		
Core Business	2002-2003 Actual	2003-2004 Budget
	$ Thousands	$ Thousands
Administration, Support & Investigation	$400.00	$543.20
Children's Section	$300.00	$258.80
Total - Gross Current	$700.00	$802.00
Total - Program Expenses Net of Recoveries	$700.00	$802.00
Salaries and Benefits	$551.00	$63[illegible]60
Funded Staff (FTE's)	12.0	12.0

Core Business Area: Advise of the right to access complaint resolution mechanism					
OUTCOME	**MEASURE**	**DATA**	**TARGET-2003-04**	**TARGET-2004-05**	**STRATEGIES to achieve target**
Mechanism in place to ensure that concerns of citizens are handled in a manner that is fair, appropriate and cost-effective	Number of citizens including children in care/custody whose voices are empowered through complaints, investigations, visitations or referral processes	1700 Revised from 1900 due to f delay in the implementation of the complaint resolution mechanism, Children's Section	25% increase estimate will total 2200 or app.28%	15% increase	Maintain or increase current staff levels, skills and expertise Monitor and enhance citizens' access to this office Monitor and enhance effectiveness of communication materials Develop a process guide Complete enhancements to internal database

Office of the Ombudsman

Core Business Area: Advise of the right to access complaint resolution mechanism					
OUTCOME	**MEASURE**	**DATA**	**TARGET-2003-04**	**TARGET-2004-05**	**STRATEGIES to achieve target**
	Number of citizens including children in care/custody whose understanding of rights and complaint processes is enhanced through information sessions, admission sessions in facilities and speaking engagements	485 citizens attended the sessions	15% increase target will not be met due to review of the role of the Children's Section	15% increase	Assign staff to conduct information, training, audits, admissions and exit interview sessions Forge and buttress relationships with appropriate organizations, agencies Enhance communication materials and methods of publicity

Core Business Area: Receive and Investigate Complaints					
OUTCOME	**MEASURE**	**DATA**	**TARGET-2003-04**	**TARGET-2004-05**	**STRATEGIES to achieve target**
A more efficient and effective complaint resolution process	Timely completion of both assessment and formal investigation process	Assessment process: 3 weeks	2.5 weeks	2.5 weeks	Complete database for rapid retrieval of information
					Ensure sufficient number of staff to handle complaints
					Develop and maintain expertise of staff
		Formal Investigation process: 12 months	11 months	9 months	Conduct effective, objective and thorough investigations
					Educate government officials on the role and mandate of the Office
					Conduct information sessions on role and mandate of the Office
					Educate on principles of administrative fairness

Core Business Area:
Recommend and monitor amendments to policies, procedures and legislation and provide educational materials

OUTCOME	MEASURE	DATA	TARGET-2003-04	TARGET-2004-05	STRATEGIES to achieve target
Increased government awareness of potential for improvements to services and strategies to achieve these goals	Number of cases successfully completed through audits and recommendations	100	120 target will not be met due to review of the role of the Children's Section	100	Review effectiveness of policies, procedures and legislation
					Offer services for information sessions to government services from which high numbers of complaints are received
	Number of cases successfully closed with exit interviews	Under development	Under development	Under development	Review information received to identify and investigate systemic issues
	Parties with enhanced understanding of relevant issues following consultations on development and implementation of law and policy	Under development	Under development	Under development	Ensure participation in consultations relating to government services
					Enhance or maintain staff education

Core Business Area: ***Recommend and monitor amendments to policies, procedures and legislation and provide educational materials***					
OUTCOME	**MEASURE**	**DATA**	**TARGET-2003-04**	**TARGET-2004-05**	**STRATEGIES to achieve target**
	Access to and knowledge of website	Under developed	improvements were made to the website		Improve and enhance content as needed
					Monitor the number of site visits

Core Business Area: Recommend and monitor amendments to policies, procedures and legislation and provide educational materials					
OUTCOME	**MEASURE**	**DATA**	**TARGET-2003-04**	**TARGET-2004-05**	**STRATEGIES to achieve target**
	Information disseminated through sessions, brochures and kits provided	700	1400 exceeded target 2500 brochures distributed *	2000	Offer services for information sessions
					Record number of requests
					Develop and improve materials as needed

*A new brochure was created and therefore a high volume was created.